

Order Regarding Parenting Time

Use this form if:

- you had a hearing on your Motion Regarding Parenting Time (Form FOC 65) and both you and the other party or third party agree to sign the order without another hearing; **or**
- you had a hearing on your Motion Regarding Parenting Time (Form FOC 65) and the other party or third party will not sign the order; **or**
- you and the other party or third party have agreed about parenting time and want the court to sign your proposed order without having to file a motion and attend a hearing on the motion.

(Form FOC 67)

INSTRUCTIONS FOR COMPLETING "ORDER REGARDING PARENTING TIME"

Please print neatly. After filling in the form, you will need to make at least 5 copies.

Items A through L must be completed before the order can be given to the judge for signature. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- (A)** Before you fill in the Case No., get your copy of the Motion (Form FOC 65) or your court papers for divorce, annulment, separate maintenance, or paternity. Copy the Case No. from that paper onto this form.
- (B)** Also use the motion or other court papers to fill in the "Plaintiff" and "Defendant" boxes and if applicable, the Third Party" box. Copy the names from the motion or other court papers onto this form. For example, if your name is in the box that says "plaintiff", then you should write your name in the "plaintiff" box on this order form.
- (C)** Fill in this information only if there was a hearing on a Motion Regarding Parenting Time.
- (D)** If you filed a Motion Regarding Parenting Time (FOC 65) and the other party will not sign the order, a hearing to enter the order is required. Check the box "after hearing".

If you filed a Motion Regarding Parenting Time (FOC 65) and the other party will sign the order without a hearing to enter the order, check the box "on consent of the parties".

If you and the other party are filling out this order based on an agreement between both of you and you are not filing a motion with the court, check the box "on stipulation of the parties". Even if you have checked this box, the court may still require a hearing. If a hearing is required, follow the directions on scheduling a hearing in the booklet for form FOC 53, Notice of Hearing to Enter Order.

- (E)** Check this box only if you filed a Motion Regarding Parenting Time (FOC 65).
- (F)** Check this box only if the other party filed a Response to Motion Regarding Parenting Time (FOC 66).

- (G) - (J)** Use the following instructions for items **(G)** through **(J)**.

If you checked **(E)**, check only those boxes which say what the judge or referee ordered at the hearing on the motion. Then write in the blank space provided what the judge or referee ordered at the hearing. This information must state as closely as possible the exact words of the judge or referee. Use the notes you took at the hearing when filling out this part of the order form.

If you did not check **(E)**, you and the other party are stipulating to the order. This means that you both have agreed on what you want the court to order and have not filed a motion. Since there may not be a hearing, you must write in as much detail as possible exactly what you agree on. Make sure you include everything you agreed on. Anything that you do not write down on this form will not be ordered even if you and the other party had agreed on it.

- (K)** If you filed a motion (FOC 65) and the other party has agreed to sign the order without a hearing to enter the order, both you and the other party must sign here. If the other party will not sign the order without a hearing to enter the order, follow the directions on scheduling a hearing in the booklet for Form FOC 53, Notice of Hearing to Enter Order.

If you and the other party are stipulating to the order, you both must sign here.

- (L)** Some courts require the friend of the court to approve the order before the judge will sign it. To find out if this is required, contact the friend of the court office. If it is required, see either page 3 or 5 of this booklet for directions on getting the friend of the court's approval.

To find out how to get the order signed, contact the friend of the court office for instructions. See either page 3 or 5 of this booklet for details.

- (M)** On the date you serve a copy on the other party, write in the date and sign your name on the remaining 3 copies. Return to the county clerk with 2 copies.

You must read this booklet and other booklets dealing with orders for directions on the legal process.

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY****ORDER REGARDING PARENTING TIME****A****CASE NO.**

Court address

Court telephone no.

B

Plaintiff's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

Third party's name, address, and telephone no.

C

Date: _____

Judge: _____

D1. This order is entered ☐ after hearing. ☐ on consent of the parties. ☐ on stipulation of the parties.**THE COURT FINDS:****E**☐ 2. A motion requesting parenting time/change to parenting time was filed.**F**☐ 3. A response to the motion was filed.**G**☐ 4. It ☐ is ☐ is not in the best interests of the child(ren) to ☐ establish ☐ change parenting time.**H**☐ 5. It is in the best interests of the child(ren) to dismiss the motion.**IT IS ORDERED:****I**☐ 6. The motion is dismissed. Parenting time is unchanged and the existing order remains in effect.**J**☐ 7. Parenting time is ☐ established ☐ changed ☐ to be made up as follows:

Explain in detail what the court has ordered.

8. Except as changed in this order, the prior order (if one) remains in effect.

K

Plaintiff's signature (consent/stipulation)

Defendant's signature (consent/stipulation)

Third party's signature (consent/stipulation)

L

Approved as to form:

Friend of the court signature (only if required)

Date

Circuit court judge

PROOF OF SERVICE**M**

I certify that on this date I mailed a copy of this order on the other party(ies) by ordinary mail at the above address(es).

Date

Signature

ORDER CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

- | | | |
|----|--|------------------------------|
| 1. | Fill out all requested information on the form? | YES <input type="checkbox"/> |
| 2. | Make all necessary copies? | YES <input type="checkbox"/> |
| 3. | Get the judge's signature? (NOTE: See pages 3 and 4 for details) | YES <input type="checkbox"/> |
| 4. | Return to the clerk's office with all copies of the signed order? | YES <input type="checkbox"/> |
| 5. | Make sure the clerk stamps all copies of the signed order? | YES <input type="checkbox"/> |
| 6. | Keep one copy of the signed order for yourself? | YES <input type="checkbox"/> |
| 7. | Mail (serve) a copy of the order on the other party and on any other custodian/guardian after it was stamped by the clerk? | YES <input type="checkbox"/> |
| 8. | Give 2 copies of the completed form to the clerk of the court? | YES <input type="checkbox"/> |

If you cannot answer "yes" to all of the above steps, you do not have a valid order.

By using this form packet you are representing yourself in a court action regarding parenting time. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you the parenting time you want.

If you have any questions about any steps in the process, refer to pages 3 and 4 for details.

INSTRUCTIONS FOR USING FORM FOC 67 ORDER REGARDING PARENTING TIME

»» SIGNING AND FILING OF AN ORDER

1. Fill out the Order form.

Normally you will fill out the order at the hearing on the objection. Use the instructions on the form. Be careful not to make mistakes.

Make copies of the form based on the instructions in this booklet or in booklets for forms FOC 53 or FOC 54 depending on your situation.

2. Approval by friend of the court.

In some courts the order has to be approved by the friend of the court before the judge will sign it. Call the friend of the court office and ask them if the order must be approved by them. Then do either step a. or b. below.

- a. If the order must be approved by the friend of the court, go to the friend of the court office with 6 copies of the order. Leave the order with the office. Someone from the office should tell you when to come back for the order or should call you when the order has been approved. If you do not hear from the office within 5 days, call them to find out when to pick up the order. Go back and pick up the order. Then do step 3. below.
- b. If the order does not need to be approved by the friend of the court, do step 3. below.

3. Get the Order signed by the judge.

After you have filled out the order, you have to get it signed by the judge one of the following ways:

- You can fill out the Order at the time of the hearing and ask the Judge or Hearing Officer to sign it then.
- You can fill out the Order after the hearing, get the other party's signature, and take or mail the Order to the Judge or Referee for signature.
- If the other party will not sign the Order, you will need to schedule another hearing.

If both you and the other party sign the order to show you both approve the order, then follow the remaining steps in this booklet for further instructions on getting the order signed by the judge. Otherwise you must do either of the following:

- a. Schedule and attend a hearing to get the order signed.
(Use packet for Form FOC 53, Notice of Hearing to Enter Order)
- b. Notify the other party in writing that the order will be given to the judge to sign and that he or she has 7 days to file any written objections. If no objections are filed by the other party, the order can be signed.
(Use packet for Form FOC 54, Notice to Enter Order without Hearing)

4. Get the Order to the judge.

Since the other party or third party has signed the order, contact the friend of the court for instructions to get the order signed by the judge. Listen carefully to all the instructions for getting the order signed. Every circuit has a different way of handling the signing of orders. Ask when to come back for the signed order. If the signed order is sent to the county clerk by the judge, you won't have to pick it up.

5. Pick up the signed order.

If the other party or third party signed the order and you dropped it off for the judge's signature, go back and pick it up on the day and time you were told unless the judge sends the signed order to the county clerk for you. If you have to pick up the order, make sure you pick up all 6 copies of the order.

6. Return to the county clerk.

Once you have the signed order (FOC 67), bring all 6 copies with you. The clerk will stamp the order, keep 2 copies and return the other 4 copies to you. The county clerk will deliver 1 copy to the friend of the court.

»» SERVING THE ORDER ON THE OTHER PARTY OR PARTIES

1. Serve the signed order on the other party.

The other party must be served with (notified of) 1 copy of the signed order.

NOTE: Serve the papers by mailing them to the other party by regular, first class mail.

What you need for service:

- 1 Copy of FOC 67 - for the other party
- 2 Copies of FOC 67 - for proof of service
- Any additional copies of FOC 67 - for other custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy to the other party. If there is a custodian or guardian, mail 1 copy to them. Then fill out the Certificate of Mailing on the front of the remaining 3 copies. Keep 1 copy for your own records.

2. Return to the county clerk.

Once you have mailed the order and filled out the certificate of mailing on the remaining 3 copies, return to the county clerk's office with 2 copies. Remember to keep 1 copy for your own records. The clerk will deliver 1 copy to the friend of the court.